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# IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

IN RE: : Case No. 17-50241

WILLIAM E. & SHEILA M. BURKE, : Chapter 13

Debtors. : JUDGE PRESTON

#### DEBTORS' MOTION TO AVOID JUDICIAL JUDGMENT LIEN SECURED BY REAL ESTATE

Come now Debtors pursuant to *Bankruptcy Rules 3012* and *4003(d), 11 U.S.C. 502, 506(a),(d), 11 U.S.C. 522(f), 11 U.S.C. 1322(b)(2), 1325(a)(5), 11 U.S.C. 1327(b),(c), 11 U.S.C. 544,* and hereby MOVE this Honorable Court for an order finding that the non-consensual judicial lien of **GE CAPITAL RETAIL BANK k.n.a. SYNCHRONY BANK ("Creditor")** be avoided as this lien impairs the Debtor/Husband's statutory homestead exemption entitlement under *O.R.C.* 2329.66(A).

Debtors further MOVE the Court for a finding that such lien is not an interest secured by Debtors' realty, should be avoided on this additional basis, and forthwith released of record.

The factual and legal grounds supporting the relief requested are set forth in the Memorandum In Support below, and the Exhibits attached hereto, which are herein incorporated by reference.

<sup>&</sup>lt;sup>1</sup> It is believed that GE Capital Retail Bank was the actual issuer of the charge account/card underlying the subject judgment lien. Per the Office of the Comptroller of Currency, GE Capital Retail Bank now does business as Synchrony Bank. See attached "Exhibit A", which along with all other attachments hereto is herein incorporated. Barclays Bank, Delaware appeared in the chain of ownership of the account, and held the account as of the order of relief. Barclays Bank, Delaware may have an interest in the account pursuant to an undisclosed income stream agreement akin to a securitized mortgage trust. Notwithstanding this fact, the Debtors have noticed this action upon all conceivable parties that may have an interest in this obligation of Debtor/Husband.

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Respectfully submitted.

/s/ Christopher J. Spiroff
Christopher J. Spiroff (0042247)
1180 South High Street
Columbus, Ohio 43206

614.224.2104 Fax: 614.224.2066

admin@spirofflaw.com
Case Attorney for Debtors

#### MEMORANDUM IN SUPPORT

#### I. FACTS RELEVANT TO MOTION TO AVOID JUDICIAL JUDGMENT LIEN

The Debtors own their residence located at 6049 Johnsville Road, Centerburg, OH 43011 as joint tenants. "Exhibit B". As of the order of relief, Debtors' real estate had a fair market value of \$94,100.00. "Exhibit C". (Doc. #15).

The Debtors' residence is subject to a consensual, first and best mortgage in favor of Nationstar Mortgage, LLC in the approximate amount of \$152,000.00. This mortgage was duly recorded with the Knox County, Ohio Recorder on April 9, 2007 in Deed Book 1073, Page 333. Nationstar has yet to file a proof of claim in the case.

The Debtors' residence is subject to a non-consensual judicial judgment lien in favor of Capital One Bank in the amount of \$3,567.00. This lien was filed of record on July 1, 2013 in the Office of the Clerk of Court, Knox County, Ohio Court of Common Pleas. "Exhibit D". Capital One Bank has yet to file a claim in the case.

As of the order of relief, Debtors' residence is also subject to a non-consensual judicial judgment lien against Debtor/Husband, and in favor of Creditor in the current amount of \$2,677.00. This lien was filed of record on November 25, 2013 in the Office of the Clerk of Court, Knox County, Ohio Court of Common Pleas. "Exhibit E". This is the lien Debtors seek to avoid. Creditor has yet to file a claim in the case. Creditor is an FDIC-insured financial depository institution.

#### II. LEGAL AUTHORITY SUPPORTING AVOIDANCE OF JUDICIAL JUDGMENT LIEN

The Debtors are seeking to avoid a non-consensual judicial judgment lien against Debtor/Husband, and in favor of Creditor secured by the Debtors' primary residence. This lien impairs Debtor/Husbands' statutory homestead exemption to which Debtor/Husband is entitled. O.R.C. 2329.66(A)(1). Avoidance, and release of this lien is proper under the circumstances. 11 U.S.C. 522(f).

Ohio has chosen to "opt out" of the federal exemption scheme. Exemptions available to Ohio debtors are based upon Ohio law. *In re Lewis*, 327 B.R. 645, 648 (Bankr. S.D. Ohio 2005), citing *In re Young*, 93 B.R. 590, 593 (Bankr. S.D. Ohio 1988). *O.R.C.* 2329.66(A)(1) provides, in relevant part:

Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows: ...(b) In the case of all other judgments and orders, the person's interest, not to exceed twenty-one thousand six hundred twenty-five dollars,<sup>2</sup> in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

It is well-settled that a judicial lien on a debtor's property may be avoided pursuant to 11 U.S.C. 522(f) to the extent that lien impairs a debtor's homestead exemption. In re Holland, 151 F.3d 547 (6<sup>th</sup> Cir. 1998). The avoidance statute, 11 U.S.C. 522(f) provides, in relevant part:

(1) ...the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under section (b) of this section, if such lien is -

<sup>&</sup>lt;sup>2</sup> Per the version of amended O.R.C. 2329.66(A) effective as of the order of relief, Debtors were each entitled to a homestead exemption of \$136,925.00. Exemption statutes are to be applied as of the filing of the petition. *In re DePascale*, 496 B.R. 860, 872 (Bankr. N.D. Ohio 2013).

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(A) a judicial lien...

(2)(A) For the purposes of this subsection, a lien shall be considered to impair an exemption to the extent that the sum of -

- (i) the lien;
- (ii) all other liens on the property; and
- (iii) the amount of the exemption that the Debtor could claim if there were no liens on the property exceeds the value that the debtor's interest in the property would have in the absence of any liens.

The law is clear in the Southern District of Ohio. Should the amount of the total impairment of a debtor's exemption exceed the amount of the lien sought to be avoided, the lien will be avoided in full. *In re Kindall*, 508 B.R. 43 (Bankr. S.D. Ohio 2014). See also, *In re Oglesby*, 333 B.R. 788 (Bankr. S.D. Ohio 2005). In accord, *In re Staley*, 95 B.R. 548 (Bankr. S.D. Ohio 1989); *Buroker v. Raybourn*, 61 B.R. 10 (Bankr. S.D. Ohio 1986); *In re Schmidt*, 36 B.R. 144 (Bankr. N.D. Ohio 1983); *Matter of Anderson*, 57 B.R. 953 (Bankr. S.D. Ohio 1986); *In re James*, 75 B.R. 124 (Bankr. S.D. Ohio) 1987).

The mathematical calculation relevant to proving the exemption impairment, and the wholly unsecured status of these liens is as follows:

(\$152,000.00)
(\$ 2,677.00)
(\$ 3,567.00)
(\$136,925.00)
(\$259,169.00)

Husband's Interest in Realty: \$47,050.00

EXEMPTION IMPAIRMENT: (\$248,119.00).

Based upon the foregoing, the judgment lien of Creditor impairs Debtor/Husband's homestead exemption, is subject to avoidance in its entirety, and must be forthwith released of record. 11 U.S.C. 522(f). In re Smith, 267 B.R. 568, 577 (Bankr. S.D. Ohio 2001), citing In re Holland, 151 F.3d 547, 550 (6<sup>th</sup> Cir. 1998); see also Kindall @ 47, supra.

#### III. AUTHORITY MANDATING LIEN AVOIDANCE BASED UPON LACK OF EQUITY

Debtors seek to avoid the non-consensual judicial lien of Creditor on the additional basis that this lien is wholly unsecured, and not a secured interest in the Debtors' residence. 11 U.S.C. 506(a), and (d). Per relevant portions of 11 U.S.C. 506(a) and/or (d) in conjunction with 11 U.S.C. 1322(b), 11 U.S.C. 1325(a)(5), and 11 U.S.C. 1327(b) and (c), Creditor does not hold a secured interest in the Debtors' realty. *In re Claar*, 368 B.R. 670 (Bankr. S.D. Ohio 2007).

Debtors have standing to bring this contested matter per the Bankruptcy Code, Rules, and applicable legal precedent. *In re Dickson*, 427 B.R. 399 (6<sup>th</sup> Cir. B.A.P. 2010); *In re Barbee*, 461 B.R. 711 (6<sup>th</sup> Cir. B.A.P. 2011); *In re Engle*, 496 B.R. 456 (Bankr. S.D. Ohio 2013); *Simmons v. Fed. Home Loan Mortg. Corp. (In re Simmons*), 560 B.R. 308 (Bank. S.D. OH 2016).

#### IV. <u>RELIEF REQUESTED</u>

Therefore, the Debtors respectfully request this Honorable Court to issue an order avoiding and forthwith authorizing the release of the following non-consensual, judicial judgment lien in favor of Creditor, more particularly **13CJ-11-0900**, which was filed with the Clerk of Court, Knox County, Ohio Court of Common Pleas on November 25, 2013; and that the Court grant the Debtors such other legal and equitable relief as this Court deems necessary and proper.

/s/ Christopher J. Spiroff

#### NOTICE OF FILING MOTION TO AVOID JUDICIAL JUDGMENT LIEN

The Debtors have filed papers with this Court requesting that the statutory judgment lien of Creditor be avoided by the Court, and released of record. Your rights may be affected. You should read these papers carefully, and discuss this issue with your attorney, if you have one in this case. (If you do not have counsel in this case, it is recommended that you consult one).

If you do not want the Court to grant the Debtors the relief requested in this Motion, or if you want the Court to consider your views on this Motion, then on or within **twenty-one (21)** days of the date of this Notice, you or your lawyer must file a written response with the Bankruptcy Court explaining your position at:

Clerk of Courts United States Bankruptcy Court 170 North High Street Columbus, OH 43215.

If you mail the request to the Court, be sure to mail it early enough so the Court will **receive** it on or before the dated stated above. You must also mail a copy to:

Frank M. Pees Standing Chapter 13 Trustee 130 E. Wilson Bridge Rd., #200 Worthington, OH 43085-6300

Christopher J. Spiroff, Esq. 1180 South High Street Columbus, OH 43206

U.S. Trustee 170 N. High Street, #200 Columbus, OH 43215.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion, and may enter an Order granting that relief.

2/28/17 /c/ Christopher I Spiroff		
2/20/11 /3/ Offitstopher 3. Option	2/28/17	/s/ Christopher J. Spiroff

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion was served either through electronic transmission, or by regular, first-class, U.S. Mail, postage pre-paid, upon the following parties in interest, on the date and as indicated below:

2/28/17 /s/ Christopher J. Spiroff

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\*\*served electronically through the Court's ECF System at the email address registered with the Court\*\*

Frank M. Pees, Chapter 13 Trustee U.S. Trustee

\*\*served by certified U.S. Mail\*\*

Synchrony Bank, c/o Margaret Keane, Pres. & CEO, 170 W. Election Rd., #125, Draper, UT 84020

Barclays Bank Delaware, c/o Curt Hess, U.S. Pres., 100 S. West Street, Wilmington, DE 19801

\*\*served by regular, first class U.S. Mail, postage pre-paid\*\*

William E. & Sheila M. Burke, 6049 Johnsville Road, Centerburg, OH 43011

Synchrony Bank, c/o CT Corporation System, 1300 East Ninth Street, Cleveland, OH 44114

Barclays Bank Delaware, P.O. Box 8801, Wilmington, DE 19899

Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899

Levy & Associates, Inc., 4645 Executive Drive, Westerville, OH 43220-3601

Synchrony Bank/Lowes, P.O. Box 965064, Orlando, FL 32896-5064

Synchrony Bank/Lowes, P.O. Box 965005, Orlando, FL 32898-5005

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A

GE Capital Retail Bank (FDIC # 27314)

Active Insured Since August 1, 1988

Renamed to Synchrony Bank

Data as of: February 1, 2017

GE Capital Retail Bank has changed its legal name and is currently doing business as Synchrony Bank

Contact the FDIC about:

GE Capital Retail Bank or Synchrony Bank

\_ocations

History

Identifications

Financials

Other Names / Websites

Location information is not available for inactive or renamed banks

#### Data For Parcel 17-00029.000 **Base Data** 17-00029.000 Parcel: Owner: BURKE WILLIAM E & SHEILA M Address: 6049 JOHNSVILLE RD [+] Map this property. Owner Address Tax Mailing Address BURKE WILLIAM E **Tax Mailing Name:** CORELOGIC **Owner Name:** & SHEILA M 1 FIRST AMERICAN Address: 6049 JOHNSVILLE Address: WAY WESTLAKE TX City State Zip: CENTERBURG OH City State Zip: 76262 43011 Geographic City: UNINCORPORATED Township: HILLIAR TOWNSHIP School District: CENTERBURG LSD Legal Homestead Legal Acres: 1.84 NO Reduction: Legal 2.5% Reduction 15 5 1 S E PT OF 23 1.84A YES **Description:** 510 - SINGLE FAMILY Land Use: Foreclosure: NO DWLG OWNER OCCUP Board of Neighborhood: 11701 NO Revision: **Number Of** New 1 NO Cards: Construction: **Annual Tax** (Does not Divided \$1,428.94 NO include Property: delinquencies.): Routing Map Number: 17-00171-137000 Number: Report Discrepancy

GIS parcel shapefile last updated 2/10/2017 12:01:36 AM. CAMA database last updated 2/10/2017 2:17:37 AM.

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Client Atty C Spiroff 17-50241

#### **REAL ESTATE VALUE ESTIMATE**

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Proximi Sales P Date of Time Ad Location Site/Vie Age Conditk Living A Count a Gross L Gross L Grarage/ Porches Pools, e Special Efficient Other	6049 Secretary is to Sub. Price Sale and djustment on Area Rm. and Total iving Area dditioning //Carport s, Patlo, etc. Energy- it flams	burg, C N/A \$ N/A CEN RUR 46 AVEI Total 6 YES 2 CA POR: SHEI N/A N/A	ESCRIPTION TERBUE AL RAGE B-ms. 3. 1,372 RATTAG	N/A )N RG Baths 1 Sq. Fl.	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7  YES N/A PORC PATJO INSL \ N/A FULL E	erburg, OH 4: miles W   \$ SGRIPTION  2016 ERBURG L  AGE   B-ms.   Baths   4   2.5 1,827 \$q. Ft.	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOW FIREPLACE PART BASEMER	\$ 100,000 N +(-)\$ Adji G -3,000 2 Sq. Ft1,260 +1,000 H +1,000 VS -1,000 NT +1,000	2.00 miles W DESCRIPTION O5/23/2016 CENTERBURG RESIDENTIAL 44 AVERAGE D Total B-rms, Ba 7 4 1 D 1,456 S D NO 2 CAR DETACH STOOP SHED INSL WINDOWS WD BURN STV D CRAWL	106,000 +()\$ Adjust. ths 1 -3,000 1. Ft -1,260 +1,000 +1,000 +1,000
Proximi Sales P Date of Time Ac Location Sile/Vie Age Count a Gross L Air Con- Garage/ Porches Paols, e Special Efficient Other Net Adit	6049 Center liv to Sub. Price Sale and djustment on Area Rm. and Total Living Area dditioning //Carport s, Patlo, etc, Energy-	burg, C N/A \$ N/A \$ N/A CEN RUR 46 AVEI Total 6 YES 2 CA PORI SHEI N/A N/A FULL	ESCRIPTION TERBUF AL RAGE B-ms. 3 1 1,372 R ATTAC	N/A )N RG Baths 1 Sq. Fl.	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7  YES N/A PORC PATJO INSL \ N/A FULL E	erburg, OH 4: miles W \$ \$CRIPTION '2016 ERBURG L  AGE B-ms. Baths 4 2.5 1,827 \$q. Ft. WINDOWS  BASEMENT	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOW FIREPLACE PART BASEMER	\$ 100,000 N +(-)\$ Adji G	2.00 miles W 2.00 miles W 3.15	106,000 +(-)\$ Adjust. ths 1
Proximi Sales P Date of Time Ad Location Site/Me Age Count a Gross L Air Con- Garage(P Porches Paols, e Special Efficient Other Net Addic General of	6049 Center live to Sub. Price Sub. Price Sub. Price Sub. Price on Area Rm. and Total Living Area difficients, Patio, etc. Energy-t Herns ust (Total) d Value Sub. Comments	burg, C N/A \$ D N/A CEN RUR 46 AVEI Total 6 YES 2 CA PORI SHEI N/A N/A FULL FOR B	ESCRIPTION TERBUE AL RAGE B-ms. 3 1,372 R ATTAC CH D BASEME	N/A DN RG Baths 1 Sq. Fl. CH	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7 YES N/A PORC PATIO INSL \ N/A FULLE	erburg, OH 4: miles W \$ SCRIPTION '2016 ERBURG L  AGE B-ms. Baths 4 2.5 1,827 \$q. ft.  WINDOWS  ASSEMENT SASEMENT \$ \$ JSE ONLY, D	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000 -1,000 -13,325 72,675 ATA SOURC	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOW FIREPLACE PART BASEMER 1 + X - 18	\$ 100,000 N +(-)\$ Adji G Baths -3,000 2 Sq. Ft1,260 +1,000 H +1,000 NT +1,000 NT +1,000 S -3,260 G 96,740	2.00 miles W 2.00 miles W 3.15	106,000 +(-)\$ Adjust. ths 1
Proximi Sales P Date of Time Ad Location Site/Me Age Count a Gross L Air Con- Garage(P Porches Paols, e Special Efficient Other Net Addic General of	6049 Center live to Sub. Price Sub. Price Sub. Price Sub. Price on Area Rm. and Total Living Area difficients, Patio, etc. Energy-t Herns ust (Total) d Value Sub. Comments	burg, C N/A \$ D N/A CEN RUR 46 AVEI Total 6 YES 2 CA PORI SHEI N/A N/A FULL FOR B	ESCRIPTION TERBUE AL RAGE B-ms. 3 1,372 R ATTAC CH D BASEME	N/A DN RG Baths 1 Sq. Fl. CH	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7 YES N/A PORC PATIO INSL \ N/A FULLE	erburg, OH 4: miles W \$ \$ SCRIPTION  22016 ERBURG  L  AGE B-ms. Baths 4 2.5 1,827 \$q. Ft.  H ##SHED WINDOWS  BASEMENT  \$ \$	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000 -1,000 -13,325 72,675 ATA SOURC	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOW FIREPLACE PART BASEMER 1 + X - 18	\$ 100,000 N +(-)\$ Adji G Baths -3,000 2 Sq. Ft1,260 +1,000 H +1,000 NT +1,000 NT +1,000 S -3,260 G 96,740	2.00 miles W	106,000 +(-)\$ Adjust. ths 1
Proximi Sales P Date of Time Ad Location Site/Me Age Count a Gross L Air Con- Garage(P Porches Paols, e Special Efficient Other Net Addic General of	6049 Center live to Sub. Price Sub. Price Sub. Price Sub. Price on Area Rm. and Total Living Area difficients, Patio, etc. Energy-t Herns ust (Total) d Value Sub. Comments	burg, C N/A \$ D N/A CEN RUR 46 AVEI Total 6 YES 2 CA PORI SHEI N/A N/A FULL FOR B	ESCRIPTION TERBUE AL RAGE B-ms. 3 1,372 R ATTAC CH D BASEME	N/A DN RG Baths 1 Sq. Fl. CH	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7 YES N/A PORC PATIO INSL \ N/A FULLE	erburg, OH 4: miles W \$ SCRIPTION '2016 ERBURG L  AGE B-ms. Baths 4 2.5 1,827 \$q. ft.  WINDOWS  ASSEMENT SASEMENT \$ \$ JSE ONLY, D	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000 -1,000 -13,325 72,675 ATA SOURC	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOW FIREPLACE PART BASEMER 1 + X - 18	\$ 100,000 N +(-)\$ Adji G Baths -3,000 2 Sq. Ft1,260 +1,000 H +1,000 NT +1,000 NT +1,000 S -3,260 G 96,740	2.00 miles W	106,000 +(-)\$ Adjust. ths 1
Proximi Sales P Date of Time Ad Location Site/Me Age Count a Gross L Air Con- Garage(P Porches Paols, e Special Efficient Other Net Addic General of	6049 Center live to Sub. Price Sub. Price Sub. Price Sub. Price on Area Rm. and Total Living Area difficining //Carport s, Patic, etc. Energy-t Herns ust (Total) d Value Sub. Comments	burg, C N/A \$ D N/A CEN RUR 46 AVEI Total 6 YES 2 CA PORI SHEI N/A N/A FULL FOR B	ESCRIPTION TERBUE AL RAGE B-ms. 3 1,372 R ATTAC CH D BASEME	N/A DN RG Baths 1 Sq. Fl. CH	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7 YES N/A PORC PATIO INSL \ N/A FULLE	erburg, OH 4: miles W \$ SCRIPTION '2016 ERBURG L  AGE B-ms. Baths 4 2.5 1,827 \$q. ft.  WINDOWS  ASSEMENT SASEMENT \$ \$ JSE ONLY, D	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000 -1,000 -13,325 72,675 ATA SOURC	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOV FIREPLACE PART BASEMER 1 + X - 1	\$ 100,000 N +(-)\$ Adji G Baths -3,000 2 Sq. Ft1,260 +1,000 H +1,000 NT +1,000 NT +1,000 S -3,260 G 96,740	2.00 miles W	106,000 +()\$ Adjust. ths 1 -3,000 1.Ft -1,260 +1,000 +1,000 +1,500 \$ -1,760 \$ 104,240
Proximi Sales P Date of Time Ad Location Site/Ale Age Count a Gross L Afr Com- Garage/ Porches Pools, e Special Efficien Other Net Adi; Indicated General o	6049 s. Center live to Sub. Price of Sale and diustment on Area Rm. and Total iving Area ditioning //Cerport s, Patlo, etc. Energy-t terms ust (Total) d Value Sub. Comments DMPARIS	burg, C N/A  \$ D N/A  CEN RUR  46 AVEI Total 6  YES 2 CA PORI SHEI N/A N/A FULL  FOR B GON AP	ESCRIPTION TERBUE AL RAGE B-ms. 1,372 R ATTAC CH D BASEME ANKRU PROAC	N/A N/A N/A RG Baths 1 Sq. R. CH PTCY (HUSE	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7 YES N/A PORC PATIO INSL \ N/A FULLE	erburg, OH 4: miles W \$ SCRIPTION '2016 ERBURG L  AGE B-ms. Baths 4 2.5 1,827 \$q. ft.  WINDOWS  ASSEMENT SASEMENT \$ \$ JSE ONLY, D	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000 -1,000 -13,325 72,675 ATA SOURC	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOV FIREPLACE PART BASEMER 1 + X - 1	\$ 100,000 N +(-)\$ Adji G Baths -3,000 2 Sq. Ft1,260 +1,000 H +1,000 NT +1,000 NT +1,000 S -3,260 G 96,740 LS AND PUBLIC	2.00 miles W  2.00 miles W  3.15	106,000 +(-)\$ Adjust. -3,000 1. Ft1,260 +1,000 +1,000 +1,500 \$ -1,760 \$ 104,240
Proximi Sales P Date of Time Ad Locatio Sile/Ale Age Conditk Living A Count a Gross L Afr Com- Garage/ Porches Pools, e Special Efficient Other Net Adju Indicated General (	6049 s. Center live to Sub. Price of Sale and diustment on Area Rm. and Total iving Area ditioning //Cerport s, Patlo, etc. Energy-t terms ust (Total) d Value Sub. Comments DMPARIS	burg, C N/A  \$ D N/A  CEN RUR  46 AVEI Total 6  YES 2 CA PORI SHEI N/A N/A FULL  FOR B GON AP	ESCRIPTION TERBUF AL RAGE B-ms. 1,372 R ATTACH D BASEME ANKRU PROAC	N/A N/A N/A RG Baths 1 Sq. R. CH PTCY (HUSE	Cent 2.12  DE 05/26/ CENT RURA 57 AVER Total 7 YES N/A PORC PATIO INSL \ N/A FULLE	erburg, OH 4: miles W \$ SCRIPTION '2016 ERBURG L  AGE B-ms. Baths 4 2.5 1,827 \$q. ft.  WINDOWS  ASSEMENT SASEMENT \$ \$ JSE ONLY, D	86,000 +(-)\$ Adjust -4,500 -3,000 -6,825 +2,000 -1,000 -13,325 72,675 ATA SOURC	3.97 miles SI  DESCRIPTION 04/12/2016 CENTERBURG RURAL 41 AVERAGE Total 8-ms. 6 3 1 1,456 NO 2 CAR ATTACI STOOP SCR PCH/SHE INSL WINDOV FIREPLACE PART BASEMER 1 + X - 1	\$ 100,000 N +(-)\$ Adji G Baths -3,000 2 Sq. Ft -1,260 +1,000 H +1,000 VS -1,000 VT +1,000 S -3,260 S 96,740 LS AND PUBLIC	2.00 miles W  2.00 miles W  3.15	106,000 +(-)\$ Adjust. -3,000 1. Ft1,260 +1,000 +1,000 +1,500 \$ -1,760 \$ 104,240

### 13CJ07-0589 CAPITAL ONE BANK vs. BURKE, SHEILA E RDW

Case Type

DCM Track:

CERTIFICATE OF JUDGMENT

Case Status: Open File Date: 07/01/2013

Action:

(30) CERTIFICATE OF JUDGMENT

Status Date: 07/01/2013

Case Judge: WETZEL, RICHARD D

Next Event:

Information	Party Judgment	Docket	Financial Receipt	Disposition	
Liens/Judgı	ments	· · · · · · · · · · · · · · · · · · ·			
Court MUNICIPAL		ounty NOX		State OH	Rendered Date 04/30/2013
Case # 13CVF00025	F	oreign#	1	Execution #	
Case Title	CAPITAL ON vs SHEILA E			Attorney	777 PT
Journal 95		age 48	-	Filed 10:06 AM	Released
Serial #	Т	ax Account	# 7	Tax Amount	
Tax Lien Rendered		ax Lien eleased	E	Execution Case	Anna a communicación de la companya
Judgments	5:			man and a state of the state of	
Amount	Inte	rest	Per	Fron	n Date Cos
\$3,165.56	3	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	ANNUM	04/30	0/2013

Coase 2:17:56:25024100 Doc 23 Filed 02/28/17 Entered 02/28/17 17:04:45 Desc Main Page 12 of 16

Action:

#### 13CJ11-0900 GE CAPITAL RETAIL BANK vs. BURKE, WILLIAM RDW

CERTIFICATE OF JUDGMENT Case Type

(30) CERTIFICATE OF JUDGMENT

04/29/2013

Case Status: Open File Date:

11/25/2013

3

Status Date: 11/25/2013

DCM Track:

\$2,759.34

Case Judge: WETZEL, RICHARD D **Next Event:** 

Party Disposition All Information Judgment Docket Financial Receipt Liens/Judgments Court County State Rendered Date 04/29/2013 MUNICIPAL KNOX OH Case # Foreign # Execution # 13CVF00017 Case Title GE CAPITAL RETAIL Attorney BANK vs WILLIAM **BURKE** Journal Page Filed Released 96 209 12:45 PM Serial # Tax Account # Tax Amount Tax Lien Tax Lien **Execution Case** Rendered Released Judgments: Amount Interest Per From Date Cost

**ANNUM** 

### Data For Parcel 17-00029.000

#### **Base Data**

Parcel:

17-00029.000

Owner:

BURKE WILLIAM E & SHEILA M

Address:

6049 JOHNSVILLE RD



[+] Map this property.

Tax Mailing Address

**Tax Mailing Name:** 

CORELOGIC

1 FIRST AMERICAN

WAY

1

WESTLAKE TX 76262 Owner Address
Owner Name:

Address:

City State Zip:

BURKE WILLIAM E & SHEILA M

6049 JOHNSVILLE

RD

17-00171-137000

CENTERBURG OH 43011

Geographic

City State Zip:

Address:

City:

UNINCORPORATED

Township:

HILLIAR TOWNSHIP

**School District:** 

Map Number:

CENTERBURG LSD

Legal

Legal Acres:	1.84	Homestead Reduction:	NO
Legal Description:	15 5 1 S E PT OF 23 1.84A	2.5% Reduction	YES
Land Use:	510 - SINGLE FAMILY DWLG OWNER OCCUP	Foreclosure:	NO
Neighborhood:	11701	Board of Revision:	NO
Number Of Cards:	1	New Construction:	NO
Annual Tax (Does not include delinquencies.):	\$1,428.94	Divided Property:	NO

Report Discrepancy

Routing

Number:

GIS parcel shapefile last updated 2/10/2017 12:01:36 AM. CAMA database last updated 2/10/2017 2:17:37 AM.

Case 2:17-bk-50241 Doc 23 Filed 02/28/17 Entered 02/28/17 17:04:45 Desc Main

B

17-50241

#### **REAL ESTATE VALUE ESTIMATE**

	Contact WILI	LIAM E A	ND SHEILA	M BURK	Œ			Census Tract (	077.00	Map Reference N/	Α	
	Property Address 6		sville Rd						SF 🗌 PUD		2-4 U	hits
JECT	City Center!					County KNO	( N/A	State OH		Gode_43011 N/A		
SE	Phone No. Res. N/A No. of Rooms		o, of Bedrooms	oan Amoun		Term mily room er de		MOS. CAVRED	s Est, of Value \$ arage/Carport ecity type & no.)	Porches, Patlo or Pool (specify)	Ce	ntral Air
	6	"	3	110.		Yes 🖾 No		372 Sq. Ft   2 C	SCITY TYPE & 110.)	Pool (specify) PORCH		es No
	J	'	J	•	, , ,		, ,,	372 - 4 12 C	***************************************	i onon	_	
_												
	NEIGHBORHOOD											
						52 pl		1		0-	ا ا ف	tala hasa
	Location Built Up		Urban Over 759	v	Suburban 25% to 75%	⊠ Pural Unde		Proper	y Compatibility	G0	od Avg I ]⊠[	-air P00r
	Growth Rate 🔲 F	ully Dev	Rapid	,o	Steady	Slow	1 2 3 /0		y Compacting I Appearance of	Pronerties		<b>1</b> H
	Property Values	uny 54.1	Increasir	ng	Stable	Declin	ning	I	to Market			
	Demand/Supply		Shortage		🔀 in Balance	Overs		L				
	Marketing Time		Under 3		4-6 Mos.	-	6 Mos.					
	Present Land Use Change in Present		amily % : Not Likel	2-4 Family	% Apts   Likely	% Gondo Taking			ndustrial <u>20</u> % To	Vacant %		
	Predominant Occup		Owner	y	Tenant	0 % \		<u>L</u>	10_			
	S/F Price Range \$	-	to \$ 200,0	00				inant Value				
Ħ	S/Family Age	0 yrs. t	o <u>150</u> yrs,	Predominan	it Age <u>50</u>	yrs.						
50										LIBOVE DO T		001771
FIELD REPORT	Comments including t									, UPDIKE RD T TY OF STYLES		
문										S LOCAL SCHO		
			HES, PARK									
	SUBJECT PROPER			-								
	Approx. Yr. Bit. 19 7						1	PERTY RATING	1	Good Avg	Fair	Poor
	Type (det, duplex, sen	ni/det.etc.)	DE JACHEI	<u> </u>			1	lition of Exterior patibility to Neighb	nthood		H	片
	Design (rambler, split, Exterior Wall Mat.		INCH	Roof Ma	at COMP ASP	HALT		paconty to resyste al and Marketabilit			H	H
	Is the property in a HL	JD-Identified	Special Flood Haz	. Area?	No Y	es						
	Special Energy-Effic.						GAIN EI	NTRY. APPRA	ISER RESEF	RVES THE RIGH	A OT TH	MEND
					S WARRANTE		OONDI	TION DOOF 0	OUTTEDO A	ADEAD TO DE	CLINIOT	705141
	Comments (favorable	OF Unitavorab	APPRAISA IAPPAASAI	naintenance) Is to e	AVERAGE	EXTERIOR I	CUNDI E HIGH	HEST AND BE	ST LISE SING	SLE FAMILY RE	SIDEN	IUIVAŁ. ΓΙΔΊ
					OR BELIEVED					DEET 1 MARKET 186	OIDEI1	I II NCI
_												
	ITEM	SU	BJECT		COMPARABLE NO	). 1		COMPARABLE N	10. 2	COMPA	rable no	), 3
	6049 10	hnsville F	54	1832	2 Rich Hill Rd		676	1 White Rd		5308 Star S	t t	
	Address Centerb				terburg, OH 43	011		terburg, OH 43	011	Centerburg		011
	Proximity to Sub.	N/A		2.12	miles W		3.97	miles SE		2.00 miles \	Ņ	
	Sates Price	\$	N/A		\$	86,000		\$	100,000	DE ADMOTIS	\$	106,000
	Date of Sale and Time Adjustment	DESC N/A	CRIPTION	05/26/		+(-)\$ Adjust.	04/12	ESCRIPTION (2016	+(-)\$ Adjust.	DESCRIPTIO 05/23/2016	PN.	+(-)\$ Adjust.
	Location		RBURG		ERBURG	1 1		ERBURG	<u> </u>	CENTERBUR	3	
	Site/View	RURAL		RURA		1	RURA			RESIDENTIAL		
	Age	46		57			41		ļ	44		
XSIS.	Condition	AVERA		AVER		4 500	AVER		-3,000	AVERAGE Total B-rms.	Dativa	
	Living Area Rm. Count and Total	6 :	-rms. Baths 3 1		B-rms, Baths 4 2,5	-4,500 -3,000		B-rms. Baths 3 2	-3,000 !	7 4		-3,000
MARKET COMPARABLE ANA	Gross Living Area		,372 Sg. Ft.		1,827 Sq. Ft.	-6,825		1,456 Sq. Ft.	-1,260	1,456		-1,260
AR.A	Air Conditioning	YES		YES			NO		+1,000	NO		+1,000
불	Garage/Carport		ATTACH	N/A	N.I.	+2,000		R ATTACH	14.000	2 CAR DETAC	H	14.000
î	Porches, Patio, Pools, etc.	PORCH SHED	1	PORC	;H )/SHED	-1,000	STOC	PCH/SHED	+1,000 -1,000	STOOP SHED		+1,000
AR.	Special Energy-	N/A			WINDOWS	.,000		WINDOWS	.,000	INSL WINDOV	VS	
Z.	Efficient Items	N/A		N/A		1 		PLACE	-1,000	WD BURN ST	V	-1,000
	Other	FULL BA	SEMENT		BASEMENT	40.005		BASEMENT	+1,000	CRAWL	io	+1,500
	Net Adjust (Total) Indicated Value Sub.		(A. 1871-191-191-191-191-191-191-191-191-191-1	<del> </del> 	⊠ - i\$ -   s	-13,325 72,675	1 1+		-3,260 96,740	+   ⊠-	{\$   {\$	-1,760 104,240
	General Comments	FOR BAN	NKRUPTCY (	COURT	USE ONLY. D.		ES RE			RECORDS, SAL		10-1,2-10
					E FINAL ANAL							
						Estimated Value	o ¢	94,100 a	s of	JANUARY	30 201	7
	■ Completed By J	AMES SI	MOOT	1	Tertire.	Laundieu väldi	۰۰	<i>5-</i> 1,100 å		APPRAISER	JU, ZU I	<u>-</u>
	Signature	par		-	Ó				■ Date	January	31, 201	7
	7											
- 1	[Y2K] //											

### 13CJ11-0900 GE CAPITAL RETAIL BANK vs. BURKE, WILLIAM RDW

Case Type Case Status: CERTIFICATE OF JUDGMENT

File Date: DCM Track:

All Information

Open

11/25/2013

Action:

(30) CERTIFICATE OF JUDGMENT

Status Date: 11/25/2013

Case Judge:

WETZEL, RICHARD D

Next Event:

Party Judgment Financial Docket Receipt Disposition

Liens/Judgm	ents			
Court MUNICIPAL	County KNOX		State OH	Rendered Date 04/29/2013
Case # 13CVF00017	Foreign #	THE PERSON AS A STREET, STREET	Execution #	
Case Title	GE CAPITAL RETAIL BANK vs WILLIAM BURKE	<u> </u>	Attorney	
Journal 96	Page 209		Filed 12:45 PM	Released
Serial #	Tax Account #		Tax Amount	
Tax Lien Rendered	Tax Lien Released	errore (table to be to b	Execution Case #	
Judgments:				
Amount	Interest	Per	From Date	(
\$2,759.34	3	ANNUM	04/29/2013	

## Desc Main Page 1 of 1

#### 13CJ07-0589 CAPITAL ONE BANK vs. BURKE, SHEILA E RDW

Case Type Case Status: Open File Date:

**DCM Track:** 

CERTIFICATE OF JUDGMENT

07/01/2013

Action:

(30) CERTIFICATE OF JUDGMENT

Status Date: 07/01/2013

Case Judge: WETZEL, RICHARD D

Next Event:

Information	Party	Judgment	Docket	Financial	Receipt	Disposition		
Liens/Judg	ments	 3		·		7	The second of the second secon	
Court MUNICIPAL			ounty NOX		St Ol	ate I	Rendered E 04/30/2013	Date
Case # 13CVF00025		F	oreign#		Ex	ecution #		
Case Title		APITAL ONI s SHEILA E			At	torney		
Journal 95	l Page 148				Filed Released 10:06 AM			
Serial #		Ta	ах Ассоиі	nt #	Та	x Amount		
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Judgment	ts:					The state of the s		
Amount		Inte	rest	Pe	r	From	Date	Cost
\$3,165.56		3		AN	INUM	04/30	1/2013	